

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OPPENHEIMER & CO., INC.,

Plaintiff,

-v-

TRANS ENERGY, INC. and AMERICAN SHALE
DEVELOPMENT, INC.,

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/22/12

12 Civ. 4726 (JMF)

ORDER

JESSE M. FURMAN, District Judge:

On August 17, 2012, defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. On August 23, 2012, the Court issued an order granting plaintiff until September 10, 2012, to file an amended complaint or an opposition to defendants' motion to dismiss; on August 30, 2012, the Court extended this deadline to September 17, 2012. On September 17, 2012, plaintiff filed an amended complaint, and on October 5, 2012, defendants filed a new motion to dismiss. Accordingly, defendants' original motion to dismiss (Docket No. 6) the complaint is denied as moot.

The Clerk of Court is directed to terminate the motion. (Docket No. 6).

SO ORDERED.

Dated: New York, New York
October 22, 2012



JESSE M. FURMAN
United States District Judge